

Report of	Meeting	Date
Director of Early Intervention and Support	Licensing & Public Safety Committee	19 July 2017

THE ALLOCATION OF A HACKNEY CARRIAGE VEHICLE LICENCE

PURPOSE OF REPORT

- Members are asked to consider the contents of the report and approve a method to issue one Hackney Carriage vehicle licence.

RECOMMENDATION(S)

- Members are asked to approve the contents of this report and to delegate the administrative process to the Director of Early Intervention and Support who will report back to the Chair of the Licensing and Public Safety Committee as necessary.

EXECUTIVE SUMMARY OF REPORT

- The Council currently restrict the number of Hackney Carriage vehicle licences to 36. There are at present 35 Hackney Carriage Vehicles licenced, following the revocation of one vehicle licence in January 2017.
- Members are asked to consider the method to re-allocate the Hackney Carriage vehicle licence that will best serve the Hackney Carriage trade and the taxi travelling public.
- It would be appropriate to adopt those conditions and criteria that were broadly recommended to the Licensing and Safety Committee in 2008 and again in 2010 for the issue of a Hackney Carriage vehicle licence.
- Members are requested to consider formally adopting the agreed method of allocation as Policy.

Confidential report Please bold as appropriate	Yes	No
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CORPORATE PRIORITIES

- This report relates to the following Strategic Objectives:

Involving residents in improving their local area and equality of access for all	X	A strong local economy	
Clean, safe and healthy communities		An ambitious council that does more to meet the needs of residents and the local area	

BACKGROUND

8. As Members will be aware that the Council imposes a limit to the number of Hackney Carriage Vehicle licences it issues to 36. Hackney Carriage Vehicle licences are understood to command a significant intrinsic value which can be realised should a proprietor wish to transfer the licence and vehicle, where ordinarily the Council will have limited discretion on any notice of a HCV being transferred.
9. It is therefore appropriate that special measures are taken when allocating any available Hackney Carriage vehicle licence in a fair and transparent way, and to attach a condition of application that would curtail a transfer of the HCV licence and vehicle to a third party for no other reason but to realise its cash value.
10. The Council have at present received a number of expressions of interest with regard to obtaining a Hackney Carriage vehicle licence, a proportion of those interested parties were identified at a recent meeting of the Licensing and Public Safety Committee in November 2016. At this meeting Members determined to maintain the number of HCV licences it will issue to 36.
11. The Council does not maintain a waiting list for Hackney Carriage vehicle licences; therefore it would be inappropriate to now consider those representations.
12. Officer would draw to the attention of Members to the previous method used for the allocation for one Hackney Carriage vehicle licence, in both 2008 and 2010.
13. This process involved contacting current holders of Chorley PH & HC driver licenses, proprietors of PHV's and operators of PHV's, inviting them to apply to be considered to be entered into a tombola style draw for a HCV licence, (Members will note that the proposed process excludes any person from entering the application process who currently hold or have transferred a Chorley Council HCV Proprietorship). The reasoning for this approach is to offer new opportunities to those who have otherwise been excluded from entering the trade and to not reward those who have chosen to leave the trade.
14. The Taxi Traveling Public may embrace this approach as the new HCV proprietor may offer new and innovative services that current HCV proprietors do not. Members will recall some of the issues raised at the meeting of the Licensing & Public Safety Committee of the 23rd Nov 2016, which identified where the current fleet of Wheelchair Accessible (WAV) HCV's do not provide services where they might ordinarily be expected to do so. Should this prove to be the case, many of the issues that have been raised through the recent Public Interest survey may be addressed.
15. The draw would be made at the next Licensing & Public Safety Committee meeting, where the successful applicant will be offered first refusal on the conditional grant of a Wheel Chair Accessible Vehicle (WAV) Hackney Carriage Vehicle licence. Two further draws would be made at the same time representing a second and third place, who would in turn be offered the same opportunity should the winning applicant be unable to fulfil the commitment to exercise the WAV HCV licence within 2 Months of being notified of the award.
16. It would be appropriate to adopt those conditions and criteria that were broadly recommended to the Licensing and Safety Committee in 2008 and again in 2010 for the issue of a Hackney Carriage vehicle licence.
17. The method has proved to be transparent to all, offers new opportunities to those who have otherwise been denied access to a HCV licence.

18. The proposed method also addresses the taxi travelling / public interest concerns, as the recommendation is that the HCV licence shall be a designated wheelchair accessible vehicle and that the proprietor of that vehicle shall not transfer that HCV licence and vehicle for a period of 5 years from the date of first licensing.
19. The proposed application document is attached as **Appendix 1**
20. Officers can report that following both the 2008 & 2010 allocation process, no representations were received in respect of the allocation process implemented.
21. Should Members accept the proposed recommendation it would be appropriate to ask Members to consider formally adopting this method of allocation as "Chorley Councils Hackney Carriage Vehicle Licence Allocation Policy". Attached as **Appendix 2**

IMPLICATIONS OF REPORT

22. This report has implications in the following areas and the relevant Directors' comments are included:

Finance		Customer Services	
Human Resources		Equality and Diversity	
Legal	X	Integrated Impact Assessment required?	
No significant implications in this area		Policy and Communications	

COMMENTS OF THE MONITORING OFFICER

23. Section 37 of the Town Police Clauses Act 1847 as amended by section 16 of the Transport Act 1985 provides that a Council may only limit the number of licensed hackney carriages if it is satisfied that there is no significant unmet demand for the services of hackney carriages.
24. In the event of any challenge to the Council's policy of restricting the number of hackney carriages, reliance can be placed on the findings of the most recent survey in respect of unmet demand.
25. As hackney carriage vehicle licences are highly sought after, there is always the possibility of a legal challenge to the allocation process, or an appeal by an unsuccessful applicant. In order to mitigate the risk, it is important that Members should be seen to act fairly and openly. The Council's established tombola method would also assist in mitigating the risk.
26. Any person who is refused the grant of a hackney carriage vehicle licence would have the right of appeal to the Crown Court within 21 days of receiving notice of the decision..

JAMIE CARSON

DEPUTY CHIEF EXECUTIVE / DIRECTOR EARLY INTERVENTION AND SUPPORT

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Mr S Culleton	5665	28/6/2017	***